

The University of Wisconsin-Eau Claire

Title: Service, Assistance and Therapy Animal Policy and Procedure

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1. **POLICY PURPOSE**

This policy addresses the process under which students, employees, and visitors may use service animals, and request the use of assistance animals (e.g. emotional support animals), or therapy animals as a reasonable accommodation in accordance with the rights afforded to individuals with disabilities under university policy and state and federal law.

2. **DEFINITIONS**

Assistance Animal:

An Assistance Animal, which may be referred to as a comfort animal, companion animal, or emotional support animal (ESA), is any domesticated animal that provides assistance to an individual with a disability or mitigates an emotional or psychological symptom of a handler's mental or psychiatric disability and is necessary to afford a person with a disability an equal opportunity to use and enjoy the university's residential living. Assistance animals are not considered service animals under ADA, but may be permitted as reasonable accommodations for persons with disabilities under the Fair Housing Act (FHA).

Reasonable Accommodation

Reasonable accommodation is a modification to a campus policy, procedure or environment that will allow a person with a disability to fully and equally perform the essential duties and functions of his or her position or allow a person to participate in the academic programs of the campus (including classes, housing, university events and activities).

Service Animal

A service animal is a dog or miniature horse individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Animals whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

Therapy Animal:

Therapy dogs are trained and certified by qualified handlers who use the dogs to provide comfort and companionship to others in a way that increases emotional well-being and improves quality of life by sharing the animal with students, faculty, and staff of the University.

3. **POLICY STATEMENT**

SERVICE ANIMALS

Service animals assisting individuals with disabilities are generally permitted on campus, including exterior and interior locations which are deemed appropriate in accordance with the provisions of this policy. This policy was created in accordance with Titles I and II of the Americans with Disabilities Act, as amended, Section 504 of the Rehabilitation Act of 1973, and Wis. Stat § 106.52(3)(am).

When it is not obvious what service an animal provides, only two questions may be asked of the handler by the university:

1. Is the service animal required because of a disability, and
2. What work or task has the dog been trained to perform.

The university may not inquire about the person's disability, require medical documentation, require a special identification card or ask that the dog demonstrate its ability to perform the work or task.

University property/buildings where service animals are allowed

For individuals and visitors who are not employees or students on campus, service animals are permitted at campus locations which are generally open to the public.

For individuals who are either employees or students, service animals will be permitted at campus locations where staff or students are allowed access for purposes of employment or academic matters.

University property/buildings where service animals may be prohibited

Service animals may be prohibited from mechanical rooms, utility rooms, animal research facilities, food preparation areas, laboratories, shops or studios with hazardous activities or where the presence of a service animal would be inappropriate or disruptive to the working or learning activity or could potentially cause harm to the service animal.

Responsibility of the Handler

The handler of the service animal will:

- Meet with the Disability Services staff or the ADA Coordinator to discuss equal access and participation in educational programs or working conditions on campus.
- Ensure the animal is wearing an identification tag (with handler contact name and phone number), and an identifying cape, or bandana, or harness at all times.
- Be in control of the animal at all times.
- Have a harness, leash or other tether unless:
 - Handler is unable because of a disability to use the mechanisms or
 - Mechanisms would interfere with the service animal's work or tasks
- Ensure all animal care needs are met, such as animal health and hygiene, and all public health and safety concerns addressed properly.
- Ensure all required state and municipal license requirements (including vaccination) are met.
- Ensure the immediate clean-up and disposal of animal waste.
- Make prior arrangements for a person to take custody of the service animal in the event of a handler emergency.

Responsibility of the University

The University will assure that:

- University entities (housing, food service, facility services, protective services, etc.) are contacted to make them aware that there is a service animal on campus.
- A reasonable location is provided for the animal to toilet and the animal's toilet area is kept free from obstructions (snow, branches, etc.).

- Disability services coordinates all classroom and other campus accommodations with appropriate faculty or staff.
- Faculty and staff will contact Disability Services if they have concerns over the use of a service animal in a particular classroom or other course-related setting or location.
- An identified alternate handler be contacted in the case of an emergency.

Service Animals in Training

Wisconsin Statutes chapter 106.52(3)(am) permits individuals to have service animals in public places when the animals are in training. If these animals are being trained by an individual who is not using the service animal for their own personal disability, the training individual should notify the university.

ASSISTANCE ANIMALS/EMOTIONAL SUPPORT ANIMALS (ESA) IN HOUSING

Assistance animals or ESAs may be considered a form of reasonable accommodation in residence halls on campus as described below.

Reasonable accommodations for persons requesting an assistance animal will be made in a residence hall. The determination of whether an assistance animal will be permitted in a residential hall is made on a case by case basis. An individual must submit a request for an assistance animal including current written verification from a licensed health care professional provided to the university's residential living. The documentation must:

- Verify that the person has a physical or mental impairment that substantially limits one or more major life activities.
- Describe the limitation and nature of the condition.
- Identify the relationship between the person's disability and the need for an assistance animal as an accommodation.

Exclusions:

The following factors may be considered, among others in determining whether the presence of the animal is reasonable or in determining the housing assignments for individuals with an assistance animal or ESA.

- The size of the animal is too large for available assigned housing space.
- The animal's presence would force another individual from individual housing (e.g. severe allergies).
- The animal's presence otherwise violates other individuals' right to peace and quiet enjoyment of University Housing.
- The animal is not housebroken or is unable to live with others in a reasonable manner.
- The animal's vaccinations are not up-to-date.
- The animal poses or has posed in the past a direct threat to the individual or others such as aggressive behavior towards or injuring the individual or others.
- The animal causes or has caused excessive damage to housing beyond reasonable wear and tear.

Requirements for Assistance Animals or ESAs

Individuals that are provided an assistance animal or ESA accommodation must comply with all state laws and local animal ordinances, as well as all Residential Living policies and guidelines including, but not limited to, the following:

- The handler is responsible for the care and supervision of an assistance animal and must provide appropriate food, water, and shelter for the assistance animal.
- The handler must be in full control of the assistance animal or ESA at all times.

- The handler must ensure the assistance animal is well cared for and must not neglect, mistreat, or abuse the assistance animal.
- The handler is responsible for cleaning up and disposing of all animal waste (both indoors and outdoors) in a timely, effective fashion and must use designated animal relief areas, if provided.
- Assistance animals or ESAs shall not be left alone in a room or apartment or in the care of an individual other than the handler for an extended period of time. In the event that an assistance animal is not being properly cared for, Residential Living staff will attempt to contact the resident or the emergency contact to remove the animal. If this is not successful, Residential Living may notify the local Humane Society and seek to have the animal removed. All costs associated with removing the animal shall be the responsibility of the resident.
- The handler is responsible for any odors, noise, damage, or other conduct of his or her assistance animal that disturbs others or damages the premises.
- The handler must comply with all required state and municipal license and vaccination requirements and procure and maintain current identification and vaccination tags for the assistance animal when applicable. The handler must provide requested verification of an assistance animal's licensure or maintenance of all veterinarian recommended vaccinations as well as proof of absence of communicable diseases, fleas and parasites as requested.

Visitors

A visitor is defined as anyone not attending the university as a student or is not employed by the University. Assistance animals or ESAs accompanying campus visitors are only allowed in areas of campus where domesticated animals are permitted.

THERAPY ANIMALS

Therapy dogs on university grounds must be registered with Therapy Dogs International (TDI) or an equivalent organization and be in good standing with that organization and comply with identification requirements as applicable. All therapy dogs must meet health requirements as required by their registered organization. Because the registration through TDI requires these documents, the University does not need additional documentation. Therapy dogs must comply with all provisions under this section.

Rules applied to therapy dog visits:

- Therapy dogs are only allowed in commons areas/entrances of University buildings, and other specified areas (such as a classroom) with advanced approval and authorization.
- Therapy dog visits are not allowed in food preparation areas, laboratories, or research areas where the animal is in potential danger of any form of contamination.
- Therapy dogs are not allowed in classes unless:
 - The class professor has approved the visit in advance.
 - That class's subject matter pertains directly to the study of therapy dogs and their work.
 - The dog and handler are not disruptive to the learning environment.
- University employees who act as handlers during a therapy dog visit, must do so at times completely separate from any other University-related work. While the dog and handler are on campus, the handler's sole responsibility is to the therapy dog work.
- Handlers should not leave the dog alone in an office or designated area.
- Handlers must keep the dogs on leash and under control at all times.
- Any pet waste deposited on university lands shall be removed and properly disposed of by the handler.

LIABILITY AND INSURANCE

The handler shall be responsible for all liability and claims and insurance related to the service, assistance, or therapy animal. UW-Eau Claire and the State of Wisconsin provide no indemnification to the animal, handler, or resident using the animal and also provides no personal property insurance coverage.

REMOVAL OF SERVICE, ASSISTANCE/ESA, OR THERAPY ANIMALS

If a person has a dispute, disagreement or complaint as to a service, assistance/ESA or therapy animal or its handler under this policy, or said person suspects or has observed animal abuse or neglect of an animal, the Dean of Students or UW-Eau Claire Police Services should be contacted immediately for appropriate action.

The University may require a service animal to be removed from a university facility or location if one or more of the following occurs:

- The handler is unable or unwilling to maintain proper control over the animal.
- The animal is not housebroken.
- The animal poses a direct threat to the health or safety of others.
- The animal's presence fundamentally alters or is disruptive to the workplace, learning environment or educational program.
- For assistance animals or therapy animals, if the handler does not comply with the relevant requirements set forth above.

Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.

4. RELATED DOCUMENTS

- Fair Housing Act (42 U.S.C. Part 3604);
- Titles I and II of the Americans with Disabilities Act, as amended, Section 504 of the Rehabilitation Act of 1973;
- Wis. Stat § 106.52(3)(am);
- Wisconsin Policy Chapter 18: Conduct on University Lands

APPROVED BY:

University of Wisconsin- Eau Claire